

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

DARRELL TURNER,)	
)	
Petitioner)	
)	
v.)	Cause Nos: 3:06-CV-797
)	(arising out of 3:03-CR-22(2)RM)
UNITED STATES OF AMERICA,)	
)	
Respondent)	

OPINION AND ORDER

The court construes Darrell Turner's notice of appeal challenging the court's August 3, 2011 order denying his motion to reopen his petition under 28 U.S.C. § 2255, as a motion for a certificate of appealability. Issuance of a certificate requires the court to find that Mr. Turner has made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 336 (2003). This means he must show "that reasonable jurists could debate whether (or, for that matter, agree that) the [motion] should have been resolved in a different manner or that the issues presented were 'adequate to deserve encouragement to proceed further.'" Miller-El v. Cockrell, 537 U.S. at 336. For the reasons stated in the court's orders of August 3, 2011 and August 16, 2011 (denying Mr. Turner's motion to proceed *in forma pauperis* on appeal), the court finds that Mr. Turner hasn't met that burden, and DENIES the motion for a certificate of appealability.

SO ORDERED.

ENTERED: October 6, 2011

/s/ Robert L. Miller, Jr.
Judge
United States District Court

cc: D. Turner
W. Grimmer
Court of Appeal